THE HON'BLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.12036 OF 2003

Between:

A.Kiran Kumar and another

……Petitioner

Vs.

Govvernment of A.P., represented by Principal Secretary,
Higher Education (EC2) Secretariat, Hyderabad and five others

……..Respondents

THE HON'BLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.12036 OF 2003

O R D E R:

The petitioners herein joined B.Pharmacy Course for the academic year 2001-2002 in the respondent Nos.4 & 5 Colleges respectively. This writ petition is filed seeking a declaration that the action of the respondents in seeking to collect the development fees every academic year exceeding the rate prescribed by the All India Council for Technical Education (for short, 'AICTE') as arbitrary and illegal.

In the affidavit filed in support of the writ petition, it is stated that both the petitioners have taken admission in the month of January 2001 in the respondent Nos.4 and 5 Colleges by paying development fees at the rate of Rs.12,250/-, as prescribed by the Andhra Pradesh State Council for Higher Education vide Notification dated 25.12.2000.

It is alleged that respondent Nos.4 and 5 Colleges were insisting for payment of development fees every academic year as against the requirement of payment of development fees at one time at the time of admission. Under similar circumstances, the A.P. Engineering Colleges Managements Association filed W.P.No.16489 of 1999 seeking implementation of policy decision taken by AICTE. The said writ petition was disposed of by this Court with a direction to

notify the development fees as fixed by the AICTE in letter dated 24.5.1999 to be collected from the students seeking admission into technical courses from the academic year 2000-01. Pursuant thereto, the State Government issued G.O.Rc.No.950, dated 06.12.2000, in which, the development fees payable for the Pharmacy Course under the payment category was fixed as Rs.12,250/-.

In this writ petition, it is contended that the said fees prescribed under G.O.Rc.No.950, dated 06.12.2000 is payable only at the time of admission and the action of the respondents in seeking to collect the development fees every year is arbitrary and illegal. It is alleged that though the petitioners made representations to the authorities complaining about the action of respondent Nos.4 and 5, no action has been taken. It is brought to the notice of the State Government to fix the development fees for the Pharmacy Course at Rs.12,250/-, since Pharmacy course is equivalent to Technical Course like Engineering Course.

It is also contended that the development fees fixed at Rs.12,250/- for Pharmacy course is exorbitantly high compared to other technical courses like Engineering for which it was fixed only at Rs.8,000/-.

In the counter affidavit filed on behalf of the first respondent – State Government – it is stated that as per the policy laid down by the Government of India, Ministry of Human Resource Development (Department of Education) with regard to fee fixation in Private Un-aided Educational Institutions imparting Higher & Technical Education the fee has two components namely (1) Tuition fees towards the actual cost of imparting education, and (2) the development fee which takes care of the capital cost recovery to the management and to serve as a resource for upkeep and replacement. As per the scheme,

AICTE is required to take into account the views and suggestions of the private institutions, the State Government and interested members of public while determining the rate of development fee, which has to be fixed for every three years. The said guidelines were also given statutory force in terms of Section 20 (1) of AICTE Act. Pursuant thereto, AICTE vide notification, dated 24.06.1998 fixed the development fees to be collected from the students to be admitted under various categories, namely, free seats, payments seats and NRI seats for Engineering and Diploma Courses. Subsequently, AICTE issued notification, dated 03.08.2000 notifying the development fee fixed in respect of Engineering/Management/Pharmacy/Architecture programmes. So far as the Pharmacy Course is concerned, it was fixed at Rs.12,250/- for Degree and Rs.7,000/- for Diploma under payment seat category.

Subsequently, in terms of the order dated 18.07.2000, in W.P.No.16489 of 1999, the State Government vide notification dated 6.12.2000 permitted collection of development fee every academic year as fixed by AICTE at the rates notified by AICTE from the academic year 2000-2001. It is stated that as per the above notifications, the development fees is payable every year. Accordingly, the managements are collecting the development fees every year.

Having heard the learned counsel for both the parties and having perused the material on record, particularly the notification issued by the AICTE, dated 03.08.2000 as well as the subsequent order issued by the State Government, dated 06.12.2000, which is applicable to the candidates who joined the technical courses from the academic year 2000-2001, I am unable to hold that the impugned action of the respondents in collecting the development fees every

year as prescribed is either arbitrary or illegal. Nothing has been placed before this Court to show that the development fee is required to be paid only at the time of admission. G.O.Rc.No.950, dated 06.12.2000 did not provide that the development fees is payable only once at the time of admission. The only exemption granted under G.O.Rc.No.950 is in respect of the candidates belonging to SC & ST, whose parental income is less than Rs.50,920/- per annum. In the circumstances, the contention of the petitioners is without any substance and cannot be accepted.

The further contention of the petitioners that the development fees fixed for the Pharmacy Course being much higher than the Engineering Course is unreasonable also lacks merit since the said rates were prescribed by the AICTE, which is the competent authority, after taking into account the views and suggestions of all the concerned, as provided under the policy laid down by the Government of India, Ministry of Human Resource Development.

The writ petition is devoid of merit and the same is accordingly dismissed. No order as to costs.

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G.ROHINI J.

Dt.10.10.2007
tjs